

REMARKS

Applicant appreciates the thorough examination of the present application as evidenced by the Office Action. Applicant submits that the rejections should be withdrawn as the claims are patentable over the cited art for the reasons discussed below.

The Section 102 Rejections:

Claims 1, 6, 13-14, 17, 20-22 and 24-27 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,109,984 to Tsou ("Tsou").

Under 35 U.S.C. § 102, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)). "The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" M.P.E.P. § 2112 (citations omitted) (emphasis added).

A finding of anticipation further requires that there must be no difference between the claimed invention and the disclosure of the cited reference as viewed by one of ordinary skill in the art. See *Scripps Clinic & Research Foundation v. Genentech Inc.*, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991). Thus, anticipation requires that a single prior art reference disclose each and every element of the anticipated claim.

In rejecting independent Claim 1, the Office Action asserts that Tsou discloses "a tubular socket (58) configured to receive an electrical conductor (70), clamping means (Column 5, Lines 3-5) arranged to secure the electrical conductor (70) within the socket (58), and a tubular socket insert (12) and fitting within the tubular socket (58)." (Office Action, pp.

2-3). Applicant respectfully disagrees.

Tsou discloses a cable connector structure for a truck trailer to supply electricity from the tractor to the trailer using a plug and socket type connector. (Tsou, Col. 1, lines 1-26). Thus, the illustrated plug of Figure 3 of Tsou would receive a mating connector (for example, from the tractor if the plug of Figure 3 was connected to the trailer) in the bores 25. The wire 68 and its core 70 are clamped into clamping sections 65, 66 of a conductive pin 58 that is then inserted in the cavity 57 at one end of the conductive bar 54 positioned in the bore 52. (Tsou, Col. 4, lines 44-53, Col. 5, lines 20-32; Col. 6, lines 2-12; Figure 4). The conductive pin 58 includes a barb 64 to retain the conductive pin 58 in the cavity 57 in cooperation with the groove 60. (Tsou, Col. 5, lines 39-61). Thus, when used with the conductive pin 58, the radial hole 62 is used to allow access by a screwdriver to depress the barb 64 and allow the conductive pin 58 to be removed from the cavity 57. (Tsou, Col. 6, lines 53-59).

Tsou also discloses an alternative arrangement for retaining the core 70 in the cavity 57 with a bolt in the radial hole 62. (Tsou, Col. 7, lines 1-25). However, as described in Tsou, a bolt in the radial hole 62 is only used when the conductive pin 58 is not used. In fact, Tsou states that the plug "shown in Figure 2" may be used when the conductive pin 48 is not used and Figure 2 clearly illustrates a simple arrangement in which a screw 36 holds the core 22 in the cavity 32 without the use of any insert. (Tsou, Col. 2, lines 42-65, Figure 2). Thus, when using a bolt in the radial hole 62, Tsou merely discloses an "asymmetrical" clamping connector as discussed in the background section of the present specification at page 1, lines 9-14.

Given this disclosure of Tsou, there is clearly no basis to assert that Tsou discloses an arrangement including a "socket insert" as recited in independent Claims 1, 13, 21 and 22 of the present application. The Office Action asserts that Tsou discloses "a socket insert (12) and fitting within the tubular socket (58) so as to reduce the effective size of the socket (58) and the socket insert (12) having a diameter selected to reduce an effective diameter of the socket (58) to reduce eccentricity of positioning of the electrical conductor (70)." (Office Action, pp. 2-3). This assertion, on its face, is unsupportable. Item 12 of Tsou refers to bores 12 and only appears in Figure 1. Thus, item 12 corresponds generally to the bores 52 of

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Figure 4, into which the conductive bars 54 are inserted. The conductive pins 58 are then inserted in the conductive bars 54. Therefore, the bores 12 clearly cannot be inserted into the pins 58 and the basis for the rejections in the Office Action is clearly faulty. In addition, as is clear from the description of Tsou above, even assuming the reference to item 12 in the Office Action was a typographical error, there is no express or inherent disclosure found in Tsou, or suggestion, of a socket insert as recited in the independent claims. Accordingly, the rejections of the independent claims, and the claims that depend therefrom, should be withdrawn for at least these reasons.

The Section 103 Rejections

Claims 2 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsou in view of United States Patent No. 5,630,737 to Dupont ("Dupont"). Claims 3-4, 9-12, 15-16 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsou in view of United States Patent No. 4,687,273 to Pranch ("Pranch"). Claims 5 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsou in view of United States Patent No. 5,422,438 to Lamome ("Lamome"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsou in view of U.S. Patent No. 5,320,565 to Polidori ("Polidori").

To establish a prima facie case of obviousness, the prior art reference or references when combined must teach or suggest *all* the recitations of the claim, and there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. M.P.E.P. § 2143. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. M.P.E.P. § 2143.01, citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). To support combining references, evidence of a suggestion, teaching, or motivation to combine must be **clear and particular**, and this requirement for clear and particular evidence is not met by broad and conclusory statements about the teachings of references. *In re Dembiczak*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). The Court of

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Appeals for the Federal Circuit has also stated that, to support combining or modifying references, there must be **particular** evidence from the prior art as to the reason the skilled artisan, with no knowledge of the claimed invention, **would have selected these components for combination in the manner claimed.** *In re Kotzab*, 55 U.S.P.Q.2d 1313, 1317 (Fed. Cir. 2000). Respectfully, as will be discussed below, the Official Action fails to meet the requirements for a showing of obviousness under § 103.

As an initial matter, all of the obviousness rejections should be withdrawn for at least the reasons discussed above with reference to the Section 102 rejections. The additional references relied on for the obviousness rejections do not overcome the deficiencies of the Office Action's reliance on Tsou as discussed above. Accordingly, the Section 103 rejections should be withdrawn for at least these reasons.

The dependent claims are all patentable by virtue of the patentability of the independent claims from which they depend as discussed above. Furthermore, various of the dependent claims are also patentable for reasons presented in Applicant's Amendments filed July 31, 2002 and December 19, 2002. Such arguments will not be duplicated herein, however, they are incorporated herein by reference as if set forth in their entirety.

With respect to the rejections based on newly cited references, various of these combinations are not supportable. For example, Claims 2 and 19 are rejected based on an assertion that "Dupont discloses a socket (1) made of aluminum." (Office Action, p. 4). As Tsou fails to disclose a socket insert, Applicant submits that there can clearly be no motivation to use the material of Dupont in combination with Tsou to arrive at the invention as recited in Claims 2 and 19. With reference to the rejections based on Pranch, Applicant submits that there is nothing in Tsou that would motivate one of skill in the art to combine Tsou with Pranch's rod 2 having threaded surfaces 4. As the Office Action asserts that the bore 12 of Tsou is a "socket insert," it is not possible to modify Tsou with the rod 2 of Pranch in the manner relied on in the Office Action. As such, there is clearly no motivation for one of skill in the art to do so. Furthermore, the Office Action provides no basis in the cited references for the alleged motivation being "to improve the mechanical strength of the retaining engagement." (Office Action, p. 4). Thus, the rejections of Claims 3-4, 9-12, 15-16

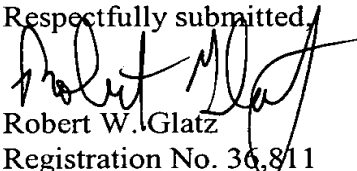
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and 23 should also be withdrawn for at least these additional reasons.

Conclusion

Applicant respectfully submits that, for the reasons discussed above, the references cited in the present rejections do not disclose or suggest the present invention as claimed. Accordingly, Applicant respectfully requests allowance of all the pending claims and passing this application to issue.

Respectfully submitted,

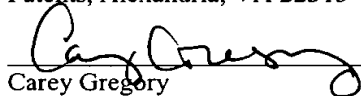


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